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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,484	04/19/2001	Eduardo Agusto Sciammarella	450100-03166	8959
20999	7590	11/03/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PESIN, BORIS M	
		ART UNIT	PAPER NUMBER	
		2174		

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,484	SCIAMMARELLA ET AL.	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,6-11,13 and 15-40 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-3,6-11,13 and 15-38 is/are allowed.
- 6) Claim(s) 39 and 40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 08/18/2005.

Claims 1-3, 6-11, 13, and 15-40 are pending in this application. Claims 1, 6, 39 and 40 are independent claims. In the amendment filed 11/30/2004, Claims 1, 6, 7, 8, 10, 13, 15, 19, 20, 25, 39 and 40 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US 6466237) in view of Watanabe et al. (US 5717848) in view of Mogul et al. (US 6243761).

In regards to claim 1, Miyao teaches a method for managing data objects, comprising:

- a. displaying thumbnails representative of data objects (abstract, lines 1-2).
- b. defining a focus region that indicates a focus thumbnail subject to processes (column 2, lines 47-50, the closest and largest thumbnail is understood to be the thumbnail in focus).
- C. selectively displaying a single thumbnail in the focus region and displaying the thumbnails moving along a predetermined path through the focus region (column 13, lines 43-45).

d. selecting a grid indicum that displays the thumbnails in a grid layout with the thumbnails aligned with fixed mutual positions in rows and columns; and moving the thumbnails in the grid layout through the focus region one row at a time in succession, starting from a same end of each successive row (Miyao, column 1, line 30-35 and figure 78).

Miyao does not teach a method wherein a shape of the predetermined path is modified based upon a speed with which the thumbnails move through the focus region. Watanabe teaches, "A motion path will change as the input side control velocity is set, and the resultant motion path is displayed immediately." Column 16, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Miyao with the teachings of Watanabe and include a method to change the path based on velocity with the motivation to provide a system which permits anybody to use it easily (Miyao, Column 1, Line 38) and conveniently facilitates changing the path of movement.

Miyao and Watanabe do not teach a method wherein a user is permitted to browse through the displayed thumbnails while remaining data objects are being loaded. Mogul teaches, "The browser initially loads a low-resolution version of the image, then automatically loads a high resolution version to replace the low-resolution image. This means a low-resolution image is produced fairly quickly, assuming that the user doesn't stop the download or shift to another page. If the user waits long enough, then the high- resolution image is generated" (Column 2, Line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Miyao and Watanabe with the teachings of Mogul and include a system that permits browsing of the thumbnails while the data is still being loaded with the motivation to provide the user with a faster method of browsing the thumbnails.

Allowable Subject Matter

Claims 1-3, 6-11, 13, and 15-38 are allowed.

In regards to independent claim 1, prior art does not teach selecting a grid indicum that displays the thumbnails in a grid layout with the thumbnails aligned with fixed mutual positions in rows and columns; and moving the thumbnails in the grid layout through the focus region one row at a time in succession, starting from a same end of each successive row; in combination with all of the other claim limitations.

In regards to independent claim 6, prior art does not teach a device wherein the displaying means further displays file names of files containing the data objects of the thumbnails, the displaying means displaying the file names in a pattern that is inverse a pattern formed by the thumbnails; in combination with all of the other claim limitations.

Response to Arguments

Applicant's arguments with respect to claims 39 and 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

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